

CITY OF BELLEVUE
CITY COUNCIL

Summary Minutes of Study Session

December 14, 2009
6:00 p.m.

Council Conference Room
Bellevue, Washington

PRESENT: Mayor Degginger, Deputy Mayor Balducci, and Councilmembers Chelminiak, Davidson, Lee, Robertson, and Wallace

ABSENT: None.

1. Executive Session

Deputy Mayor Balducci opened the meeting at 6:00 p.m. and declared recess to Executive Session for approximately 30 minutes to discuss one item of potential litigation.

The Study Session resumed at 6:47 p.m., with Mayor Degginger presiding.

2. Study Session

(a) Season of Giving and Holiday Events Highlights

City Manager Steve Sarkozy introduced staff's report regarding the Season of Giving and holiday events.

Patrick Foran, Parks and Community Services Director, explained that staff will review the many volunteer projects and charitable events held by neighborhoods and community groups throughout the year, as well as current seasonal activities.

Terry Smith, Assistant Director of Parks, reviewed a list of City-supported food drives held throughout the year which collected a total of 14 tons of food. This does not include the food drives held by private businesses and other organizations within the community.

Cheryl Kuhn, Neighborhood Outreach Manager, reviewed community and neighborhood involvement through the Neighbor Link project, Crossroads/Mini City Hall outreach, and community partnerships. Neighbor Link sponsored 24 neighborhood and 38 public service projects in 2009. In addition to food drives, residents collected school and pet supplies and held a variety of fundraisers.

Ms. Kuhn said neighborhood groups are supported in their efforts by local businesses including Crossroads area merchants co-located with the Mini City Hall, which distributes emergency food supplies. Mini City Hall also provides counseling and referrals to families in need, and 14 volunteers representing nine foreign languages assist in providing these services. Additional examples of business participation are the free summer outdoor movies sponsored by Intelius, the Neighborlink celebration sponsored by Whole Foods, and the 4th of July event sponsored by the Bellevue Downtown Association. Ms. Kuhn noted that faith organizations are active as well in providing social services.

Terry Smith reported on the Kids Care Coat Drive initiated by Rick Teagarden and Bellevue Youth Link. Rick, a high school senior, collected 300 coats during his first year. In 2009, the project has collected more than 1,700 coats in Bellevue and thousands of coats throughout the region.

Mr. Smith said the Crossroads Thanksgiving Dinner involved 63 volunteers who served more than 400 citizens. He thanked Aldersgate Methodist Church and its youth group for being the primary sponsor of this event for more than 20 years. The Crossroads youth holiday party involves 30 volunteers and numerous community businesses and organizations. The event is expected to provide gifts to 2,500 children this year.

Mr. Smith thanked City employees for their support of the annual Giving Campaign to support nonprofit organizations and the Giving Tree program which provides gifts to those in need. He noted that more than 5,900 individuals volunteered for City programs during the past year. City staff also works with approximately 150 community service agencies to network and coordinate volunteers.

Shelley Brittingham, Assistant Director of Parks, reported on the Bellevue Magic Season, which is produced by the Bellevue Downtown Association and supported by community organizations and downtown business. Additional seasonal activities are the Group Health Ice Arena in Downtown Park (Featuring Free Skate Mondays by Bank of America), Bellevue Botanical Garden d'Lights display, Hilltop Holiday Bellevue Craft Show, Seattle Civic Christmas Ship Celebration, holiday exhibits at the Winters House, Snowflake Lane/Celebration Lane, and live performances at the Theatre at Meydenbauer and the Bravern's Season of Wonder.

Mr. Foran noted that there are many more activities and organizations which are doing good work in the community. He thanked everyone for their generosity and volunteerism.

Mayor Degginger stated that it is these types of activities that make Bellevue a special place to live and work. He thanked staff for their leadership and coordination with the community.

(b) Information regarding Shoreline/Growth Management Act Clarification in City of Bellevue 2010 draft State Legislative Agenda

Mr. Sarkozy explained that this item relates to the City's 2010 State Legislative Agenda and upcoming state legislative session.

Deputy City Attorney Kate Berens recalled the Council's review on November 30 of the draft State Legislative Agenda. Staff had included language expressing support for state legislation that would clarify the roles of the Shoreline Management Act and the Growth Management Act with respect to regulating critical areas in the shoreline. The City is currently working to update its Shoreline Master Program in 2010, which will then be reviewed by the State Department of Ecology in 2011.

Ms. Berens noted the need to clarify the City's interim approach with regard to shorelines. She said there is pending litigation resulting from the current confusion surrounding the application of the Shoreline Management Act and Growth Management Act to the protection of critical areas located within or near the shoreline. A shoreline permit appeal is pending before the Shorelines Hearing Board. One of the main components of the case is a challenge to the City's authority to impose some critical areas regulations that were adopted in 2006. Additional shoreline permits are under review.

Ms. Berens referred to agenda materials beginning on page SS 2-3 of the meeting packet for background information on the issue. Litigation before the City's adoption of critical areas regulations in 2006 suggested that shorelines, to the extent that they provide critical habitat, should be addressed and protected. There was a question as to whether they would be protected under the Growth Management Act standard of best available science or under the Shoreline Management Act. The state legislature adopted ESHB 1933 in 2003 which stated that the transfer of jurisdiction from GMA regulations to SMA regulations would occur as of the date that the Department of Ecology approves a local government's Shoreline Master Program. At that time, Bellevue was starting its process to update critical areas regulations. The City included shorelines as part of this update, with a primary focus on the buffer from the shoreline, dock standards, and bulkhead standards. These regulations have been applied to shoreline property owners since mid-2006.

Multiple jurisdictions have been involved in litigation about whether local jurisdictions and the Department of Ecology interpreted ESHB 1933 correctly. The *Futurewise vs. Anacortes* case was concluded in the summer of 2008 by the State Supreme Court. The decision reinstated a Growth Management Hearings Board decision about an appeal of Anacortes' critical areas ordinance. The court's split decision vote (4-1-4) has made it hard for jurisdictions to apply it to their circumstances because there is no majority opinion to follow.

There have been two Court of Appeals cases since the Anacortes case that also talk about the overlap of the GMA and SMA, and these are detailed in the meeting packet memo. Ms. Berens noted information in the packet from the Department of Ecology, which recognizes that Bellevue and some other jurisdictions are wondering which regulations apply. The DOE advises that local governments that have adopted a critical areas ordinance under the Growth Management Act should continue to apply those regulations. The DOE offers alternative approaches to consider. The City has been applying this approach since mid-2006 to shoreline property owners. The City is now requesting clarification from the state legislature about which set of regulations should be applied until it finalizes its update of the Shoreline Master Program. Once adopted,

the Shoreline Master Program Update will be the governing authority. However, it is necessary for the City to clarify the best interim approach.

Dr. Davidson said he has always looked at this issue as what Bellevue needs to do to protect the ecosystem within its boundaries. He supports Bellevue's approach to apply critical areas regulations along both streams and lakes.

Deputy Mayor Balducci stated that tonight the Council is being asked to make a decision regarding the language to be used in the Legislative Agenda with respect to this issue. Ms. Berens confirmed that the Council is being asked to direct whether the language should indicate support for legislation to clarify the appropriate regulations to be used, or whether it should state that Bellevue will monitor any legislation that addresses this issue.

Deputy Mayor Balducci recalled discussions around the 2006 adoption of the Critical Areas Ordinance. At that time one citizen spoke against addressing shorelines in that ordinance, and suggested that the City address shoreline regulations in the Shoreline Master Program update. The Council's response at that time was that the City could not wait. The Critical Areas Ordinance defined some, but perhaps not all, shorelines and addressed areas with critical habitats.

Ms. Balducci spoke in favor of requesting clarification from the state legislature. She said it is important that the City's update to the Shoreline Master Program honor the statements made in 2006 that shoreline regulations would not consist of merely duplicating critical areas regulations. She stated that the litigation and legal discussions are becoming a distraction and getting in the way of proceeding with the update of the Shoreline Master Program.

Councilmember Wallace observed that the issue tonight is minor compared to the larger issues to be addressed in 2010 as part of the Shoreline Master Program update. He noted the challenge of balancing private property rights and environmental issues. In terms of the Legislative Agenda, Mr. Wallace suggested defaulting to the side of property owners as an interim approach and using the language stating that the City will monitor any related legislation.

Councilmember Chelminiak recalled that the creation of the Critical Areas Ordinance was mandated by the State, which also dictated the use of best available science. He supports seeking a clarification from the state legislature, in order to provide certainty for both cities and residents.

Mayor Degginger expressed support for legislation that will clarify the intent of ESHB 1933.

Councilmembers Lee and Robertson concurred.

Mayor Degginger noted majority support for seeking clarification from the state legislature.

(c) Update on Bellevue Demographics

Planning Director Dan Stroh presented demographic information about Bellevue from the American Community Survey, which provides more frequent updates to the traditional ten-year U.S. Census. He reviewed information regarding age and gender, which indicates that Bellevue has relatively higher proportions of a young workforce and older adults. Bellevue's median age is 40, which is slightly higher than its surrounding jurisdictions.

Mr. Stroh introduced Gwen Rousseau, Associate Planner/Demographer for the City.

Continuing, Mr. Stroh reported that young workforce adults (Age 20-44) comprise the largest proportion, or 35 percent, of Bellevue's population. Bellevue is in the top third of Washington places in terms of the highest levels of racial and ethnic diversity, and it has the highest proportion of foreign-born residents of Washington's large cities. Asian Indians have been the fastest growing Asian subgroup, increasing by 900 percent since 1990. Fifty percent of Bellevue's foreign-born residents entered the U.S. in 2000 or later.

Mr. Stroh presented additional statistics regarding language diversity, household types, education, household income, poverty, occupation, commuting patterns, home ownership, housing values, housing costs, and rental housing costs. He explained that the 2010 census, which is part of the 10-year full survey cycle, is important to Bellevue for political representation and funding implications. The local census office will hire 1,500 people from the Eastside region. Letters and questionnaires will be mailed in March. The City is working with community groups to ensure as complete a local account as possible.

Councilmember Lee congratulated Mr. Stroh on his 20th anniversary with the City of Bellevue. Responding to Mr. Lee, Mr. Stroh said the community survey involves approximately 1,200 Bellevue households annually.

Responding to Ms. Balducci, Ms. Rousseau said the full data is available on the City's web site. Deputy Mayor Balducci feels this is important information that can be used to plan and manage the City's programs and services. She noted her and Mr. Lee's ongoing request to update the City's diversity plan.

Responding to Mayor Degginger, Mr. Sarkozy said staff will prepare information about the diversity plan for presentation to the Council.

3. Council Business [Regular Session Agenda Item 6]

Dr. Davidson attended a regional workshop on reclaimed water. He is working as a member of the WRIA 8 Advisory Committee in discussions with the King Conservation District.

Deputy Mayor Balducci attended the Eastside Transportation Partnership meeting, in which there was a brief presentation from Sound Transit Board Member John Marchione. The presentation confirmed the list of East Link light rail options that will be studied in the Supplemental EIS, which are the C9T, C9A, an at-grade option via 108th Avenue, and C14E (Downtown alignment proposed by Councilmember Wallace).

Councilmember Lee commended Ms. Balducci's leadership on the ETP.

Councilmember Wallace attended the Bellevue Downtown Association/Chamber of Commerce Transportation Committee meeting. He heard Attorney General Rob McKenna speak about the ongoing battle against child pornography, especially on the Internet. Mr. Wallace attended the Seattle Chamber of Commerce's Public Officials Reception.

Councilmember Chelminiak attended the Mountains to Sound Greenway annual dinner. He spoke to two 3rd grade classes at Spiritridge Elementary School as part of their civics program.

Dr. Davidson reported that he and Councilmember Lee were both reappointed by the Suburban Cities Association (SCA) to their respective committees [Regional Transit Committee for Mr. Lee, and Regional Water Quality Committee for Dr. Davidson].

At 8:04 p.m., Mayor Degginger declared recess to the Regular Session.

Myrna L. Basich
City Clerk

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